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EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,555

Applicant(s)

MINDRUM, GORDON SCOTT

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-47, 49, 51-58 and 60-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-47, 49, 51-58 and 60-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment entered with filing of RCE on September 15, 2006 for the above-identified application.
2. The pending claims 39-47, 49, 51-58, and 60-67 are examined herein as follows.

Response to Arguments

3. Applicant's arguments filed April 26, 2006 have been fully considered but they are not persuasive. The Applicant argues that the combined art of record fails to render the amended claims obvious. The Applicant further argues the combination of references fails to teach or suggest all of the limitations of each amended claim in accordance with MPEP 2143.03. In addition, the Applicant further argues even if the combined art of record taught or suggested all of the limitations of each present claim, there is no teaching, suggestion, or motivation to modify or combine the references to obtain the invention presently claimed, such that a prima facie case of obviousness has not been, and cannot be, established in accordance with MPEP 2143.01.

In contrast to the Applicant alleged arguments, the Examiner has established a prima facie case of obviousness. As given rejection above, the combined art of record render the amended claims obvious. The combined art

teaches the motivation to modify or combine the references to obtain the invention presently claimed. For example, the reference of Bexten suggests the advantage or importance of centralized location or hub for a radio communication (See Abstract). This suggestion leads to combine with Assisi, which employs single and dispersed radio communication, at each gravestone (not centralized). Furthermore, the motivation to combine Evans with Assisi and Bexten also suggests that the control storage chamber of Assisi's which is located at the cemetery could be designed in kiosk fashion to accommodate access of information about the deceased person from family members and others (col. 2, lines 50-67, col. 3, lines 42-67). Thus, a prima facie case of obviousness has been established in accordance with MPEP 2143.01.

With regard to claim 39 rejection, the Applicant also argues that the combined art of record fails to teach or suggest the newly added limitations. That is, the combined art of record fails to teach "providing a life pack to a person associated with a deceased person, wherein the life pack comprises: i) requests for the person associated with the deceased person to provide particular types of biographical information relating to the deceased person, and ii) instructions, to the person associated with the deceased person, regarding how to provide the requested particular types of biographical information relating to the deceased person in response to the requests."

In contrast to the applicant's argument, the combined art, especially, Evans describes that a relative or a person associated with the deceased

person, using a display terminal for use in funeral homes and by following the displayed instructions (Fig. 5) may provide information to a requested party or immediate family in any appropriate format, such as CD-Rom, Video Cassette or text and image printout (column 5, lines 22-48).

In addition, in contrast the alleged argument, the combined art, for example, the communication device (3) of Assisi will be able to request from the control chamber storage via transmitter/receiver (2) biographical information (life pack) relating to the deceased person of the gravestone (1), and in return, the communication device (3) will be able to receive the requested biographical information relating the deceased person of the gravestone (1). In addition, Evans describes the provision of such a display terminal to further allow subsequent entry of information, by funeral home personnel, about the decedent supplied by other family members, friends, and acquaintances of the deceased on site, or remotely by the telephone link, or on-line system, to the PC. Thus, in contrast to the applicant's argument said family members, friends, who supplying the information about the deceased person are not "the inanimate objects" as alleged by the applicant. Furthermore, even when two or more transceiver devices communicate with each other, it is the human operator who furnishes or supplied the information program to the devices.

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With regard to claims 52 and 61 rejections, the Applicant also argues that the combined art of record fails to teach or suggest “an outdoor kiosk located outdoors within the cemetery”

In contrast to the alleged argument, the combined art teaches the above argument. For example, the control chamber storage (7) in a cemetery are not simply located in open field there must be a housing, or office, but since the housing or office is not explicitly described, the Examiner combined Evans to teach a kiosk (Evans, Fig. 2-4) located outdoors within the cemetery (column 3, lines 25-31). Assisi further discloses a transmitter in a cemetery, a receiver, and the ability of persons located in a cemetery to obtain information relating to a plurality of deceased persons through the receiver and transmitter (Assisi, FIGURE).

Having fully addressed the applicant's arguments, the rejection still holds.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 39-47, 49, 51-58, and 60-67 are rejected less than 35 U.S.C. 103(a) as being unpatentable over Assisi (U.S. Pat. No. 5,696,488) in view of Bexten (US Pat No.6,205,133) and Evans, III (U.S. Pat. No. 5,732,231).

With regard to claim 39:

Assisi discloses a method, system and storage, for storing, retrieving and presenting personal or biographical information relating to and/or from a deceased person.

Assisi further describes that a user of the communication apparatus or wireless device **3** communicates or requests and access biological information (life pack) associated with the deceased person (located at the gravestone 1) with the control storage chamber 7 (or kiosk) located at the cemetery.

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

a computer readable medium (**6**) comprising data stored, representing biographical information (personal information) relating to a deceased person,

wherein the deceased person is associated with a cemetery (column 1, lines 31-62).

Assisi further describes a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, FIGURE).

Assisi further describes a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see FIGURE), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, FIGURE). Furthermore, Assisi teaches that the user/visitor of the portable device can gain access to the storage device and may call up there from desired information for display or direct processing.

Assisi further discloses a control storage chamber comprising one or more of the computer readable medium (6), the computer/processor (5), and the receiver/transmitter connected at the computer by data cable 4.

Assisi further discloses a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, FIGURE), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, "...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing "...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural).

Assisi meets the limitations of claim 39 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver is needed to gain access to each deceased person in the graveyard, that is, each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices)(Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi with little modification (that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in claim 39.

The combined art of Assisi and Bexten does not clearly describe that the life pack includes *"instructions, to the person associated with the deceased person, regarding how to provide the requested particular types of biographical information relating to the deceased person in response to the requests"* as required in claim 39. Evans, on the other hand describes that a relative or a person associated with the deceased person, using a display terminal for use

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in funeral homes and by following the displayed instructions (Fig. 5), may provide information to a requested party or immediate family in any appropriate format, such as CD-Rom, Video Cassette or printout. (column 5, lines 22-48).

Evans also describes that at least a portion of the transmitted information comprises information submitted by the person associated with the deceased person (e.g., immediate family) in response to one or more of the requests of the life pack (column 2, lines 1-20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the providing of instructions in an appropriate format as described in Evans (e.g., col. 2, lines 21-47) and further incorporating transmitting information submitted from the immediate family with the information processing of Assisi in view of Bexten so that requestor will be receiving information in a desired format, such as s, for example, CD-Rom, Video Cassette or printout and information from the immediate family. (column 5, lines 22-48).

Therefore, it would have been obvious to combine Assisi in view of Bexten with Evans to obtain the invention as specified in claim 39.

With regard to claim 40:

Assisi in view of Bexten and Evans discloses that said computer readable medium (6) is located within the cemetery (Assisi, FIGURE).

With regard to claim 42:

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Assisi in view of Bexten and Evans further discloses that said deceased person's grave site (Assisi, FIGURE) Located within the cemetery, wherein at least one of the computer readable medium (6) or the transmission (2) location is Located at or proximate to the grave site (Assisi, FIGURE).

With regard to claim 44:

Assisi in view of Bexten and Evans further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (Assisi, column 2, lines 16-22).

With regard to claim 45:

Assisi in view of Bexten and Evans further discloses that said device (3) comprises a portable electronic device (Assisi, Abstract, column 1, lines 52-62).

With regard to claim 46:

Assisi in view of Bexten and Evans further discloses providing the portable electronic device (3) to the user for a limited time (Assisi, column 2, lines 3-6, column 2, lines 26-30).

With regard to claim 47:

Assisi in view of Bexten and Evans further discloses that portable electronic device comprises at least one of a personal digital assistant (3) or a laptop computer (Assisi, Abstract, column 1, lines 52-62).

With regard to claim 51:

Assisi in view of Bexten and Evans further discloses that said at least a portion of the requested biographical information relating to the deceased

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person is transmitted to the device (3) wirelessly (Assisi, Abstract, column 1, lines 52-62).

With regard to claim 53:

Assisi in view of Bexten and Evans further discloses that said computer readable medium (6) is part of a computer system located within a cemetery office (7) located within the cemetery (Assisi, FIGURE, column 2, lines 15-22).

With regard to claim 54:

Assisi in view of Bexten and Evans further discloses a gravesite (Assisi, FIGURE) for the deceased person, wherein at least one of the computer readable medium (6) or transmitter (2) is located proximate to the gravesite.

With regard to claim 57:

Assisi in view of Bexten and Evans further discloses that said computer readable medium (6 and/or 6') further includes biographical information relating to a plurality of deceased persons (Assisi, column 2, lines 15-22).

Assisi in view of Bexten further discloses that said device comprises a portable electronic device (3) (Assisi, Abstract).

With regard to claim 60:

Assisi in view of Bexten and Evans further discloses that said transmitter (2) is operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device wirelessly (Assisi, column 1, lines 52-62, column 2, lines 23-29).

With regard to claim 62:

Assisi in view of Bexten and Evans further discloses that said transmitter/receiver **(2)** is located within the cemetery (Assisi, column 1, lines 31-40, FIGURE).

With regard to claim 63:

Assisi in view of Bexten and Evans further discloses that said device **(3)** is electronic and portable (Assisi, Abstract, column 1, lines 52-63).

With regard to claim 64:

Assisi in view of Bexten and Evans further discloses that said computer readable media **(6)** and **(6')**, each storing biographical information of a deceased person (Assisi, FIGURE, column 2, lines 16-22).

With regard to claims 65 and 66:

Assisi in view of Bexten and Evans further discloses that at least a portion of the requested type of biographical information, such as text or picture, is provided to the person at communication device **(3)**, associated with the deceased person electronically wirelessly (Assisi, FIGURE).

With regard to claims 41, 43, 49, 52, 53 and 61:

Assisi discloses a method, system and storage, for storing, retrieving and presenting personal or biographical information relating to and/or from a deceased person.

Assisi further describes that a user of the communication apparatus or wireless device **3** communicates or requests and access biological information

(life pack) associated with the deceased person (located at the gravestone 1) with the control storage chamber 7 (or kiosk) located at the cemetery.

Assisi discloses a system (see **FIGURE**) for presenting information relating to a deceased person (see Abstract), the system comprising:

Assisi further describes a computer readable medium (6) comprising data stored, representing biographical information (personal information) relating to a deceased person, wherein the deceased person is associated with a cemetery (column 1, lines 31-62).

Assisi further describes a processor (5) in communication with the computer readable medium (6), wherein the processor is operable to receive a request (via data cable 4) for at least a portion of the biographical information relating to the deceased person from a user (user of communication apparatus 3) located within the cemetery (see column 1, lines 63-column 2, lines 6, **FIGURE**).

Assisi further describes a device (3) operable to present at least a portion of the requested biographical information to the user (user of communication apparatus 3) located within the cemetery (see **FIGURE**), wherein the transmitter (2) is further operable to transmit at least a portion of the requested biographical information relating to the deceased person to the device (3) in response to the request for at least a portion of the biographical information relating to the deceased person (see Abstract, column 2, lines 23-30, **FIGURE**). Furthermore, Assisi teaches that the user/visitor of the portable

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device can gain access to the storage device and may call up therefrom desired information for display or direct processing, but Assisi does not clearly show that the user can gain access information related to one or more deceased persons (plural).

Assisi further discloses a control storage chamber comprising one or more of the computer readable medium (6), the computer/processor (5), and the receiver/transmitter connected at the computer by data cable 4.

Assisi further discloses a transmitter (2) in communication with the processor (5), the transmitter (2) being operable to transmit at least a portion of the requested biographical information relating to the deceased person, wherein the transmitter/receiver is located within the cemetery. Assisi further teaches the transmitter/receiver is operable to transmit biographical information relating to a deceased person, the portable device receives desired information for display or direct processing, that is the user can gain access information related to a deceased person (Abstract, column 1, lines 31-46, column 2, lines 15-22, FIGURE), but accessing information via transmitter related to a plurality of deceased persons (plural) is not shown.

Thus, in claims languages Assisi is silent in describing, "...the receiver is operable to receive requests for biographical information relating to a plurality deceased persons (plural); and similarly Assisi is silent in describing "...the transmitter is operable to transmit biographical information relating to a plurality of deceased persons (plural).

Assisi meets the limitations of claims 52 and 61 except that it employs a transmitter/receiver operable to transmit biographical information relating to a deceased person rather than transmitter/receiver operable to transmit/receive biographical information relating to deceased persons. Furthermore, Assisi seems to illustrate that more than one transmitter/receiver that is needed to gain access to each deceased person in the graveyard, that is, each gravestone seems to be equipped with transmitter/receiver.

Bexten, on the other hand discloses a single central hub radio communication transmitter/receiver for use in radio communication with multiple distributed radio transceivers (portable devices)(Fig. 1). Bexten and Assisi are analogous art because they are from the same field of endeavor, accessing information resource via radio communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to replace the plurality of transmitter/receiver seems to be located at each gravestone with a central transmitter/receiver of Bexten because centralizing resources radio communication (e.g., transmitter/receiver) at the hub would maximizes overall system capacity, flexibility, and resource usage efficiency while minimizing the overall system cost (Bexten, Abstract). Furthermore the central transmitter/receiver enables the transceiver users to gain access to several information resources, without limited to a single resource. Therefore, it would have been obvious to combine Bexten with Assisi with little modification

(that is, placing Assisi's transmitter/receiver at the central hub) to obtain the invention as specified in claims 52 and 61.

Furthermore while Assisi in view of Bexten discloses control chamber storage, i.e., storage of communication device including computers comprising a computer readable medium storage (6) and transmission (2) located with a cemetery, but the combined art fall short naming this storage as an office, cemetery office or a kiosk.

However, Evans III (Evans) discloses an apparatus located in a funeral establishment located outside the funeral parlor (column 3, lines 25-31) so that visitors coming to view the deceased and comfort his or her family can view images of the deceased, listen to audio of or about the deceased, and read textual information about the deceased, wherein information is presented to the user in a terminal display designed in a kiosk fashion (Figs. 2-4, column 2, lines 50-67, column 3, lines 42-67).

Evans and Assisi in view of Bexten are analogous art because they are from the same field of endeavor, presenting information to a user.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the control storage chamber (7) of Assisi in view of Bexten with the *terminal display* of Evans because such *terminal display* at least allows entry or retrieval of information about the deceased from distant sites (e.g., Internet) so family members and others unable to visit the deceased can have information (Evans, column 2, lines 14-20).

Therefore, it would have been obvious to combine Assisi in view of Bexten with Evans to obtain the invention as specified in claims 41, 43, 49, 52, 53 and 61.

With regard to claim 55:

Assisi in view of Bexten and Evans disclose that said gravesite comprises a coffin (column 2, lines 12-15) wherein the at least one of the computer readable medium (6) or transmitter (2) is located in the coffin (Assisi, FIGURE).

With regard to claim 56:

Assisi in view of Bexten and Evans disclose that said gravesite comprises a head stone (1), wherein at least one of the computer readable medium (6) or transmitter (2) is located in the head stone (1) (Assisi, FIGURE).

With regard to claim 67:

Assisi in view of Bexten and Evans disclose a device permitting a person associated with the deceased person to select a visual format for presentation of the biographical information transmitting for the requested family member or friend. The visual format can be presented in textual or pictorial (photographical) or both formats. (Evans, Figs. 2-4).

CONCLUSION

5. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other

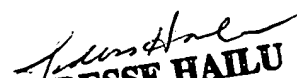
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passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kincaid, Kristine, can be reached at (571) 272-4063 Art Unit 2173 and 2174.

7. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
6/29/06


TADESSE HAILU
Patent Examiner